

## Grand Jury Refusers: Five Months and Counting, Plus Solitary Since December

POSTED BY [BRENDAN KILEY](#) ON FRI, FEB 8, 2013 AT 9:59 AM

Remember [these guys](#)? Matthew Duran and Katherine Olejnik, who have been in prison since September without being charged—much less convicted—of a crime? Last fall, they were sent (not sentenced, just sent) to federal detention by Judge Richard A. Jones for declining to answer some questions in front of a federal prosecutor and a grand jury.

(To refresh your memory, some background below the jump.)

A few days after Christmas, and shortly after *The Stranger's* [story about visiting them in prison](#) ran, they were thrown into solitary confinement (aka the SHU, which stands for "special housing unit"). Their attorneys, Kim Gordon and Jenn Kaplan, are deeply frustrated because SeaTac officials have not given clear answers about why their clients are in the SHU. Have they broken a rule? Are they some kind of threat to the general population? Or what?

Kaplan, Olejnik's attorney, says her client "is still in solitary, and the FDC has refused to give me an answer regarding why."

It is not hyperbole to say solitary confinement is a form of torture. Dr. Atul Gawande wrote [an excellent and well-researched article](#) about the psychological and physiological damage of solitary confinement—even for brief periods of time—in 2009.

Even John McCain, who suffered five and a half years of torture as a prisoner of war in Vietnam, wrote that solitary "crushes your spirit and weakens your resistance more effectively than any other form of mistreatment."

According to Dr. Gawande's article:

A U.S. military study of almost a hundred and fifty naval aviators returned from imprisonment in Vietnam, many of whom were treated even worse than McCain, reported that they found **social isolation to be as torturous and agonizing as any physical abuse they suffered**. And what happened to them *was* physical. EEG studies going back to the nineteen-sixties have shown diffuse slowing of brain waves in prisoners after a week or more of solitary confinement.

Dr. Gawande writes that the effects on people who've done time in solitary in US prisons isn't much different.

Duran and Olejnik have been in solitary since December 27—to repeat, they haven't been accused of any crime, they haven't been convicted of any crime, and the prison has **failed to explain to their attorneys while they're in solitary.**

This is what lawyers and reporters are talking about when they talk about this kind of process having a "chilling effect" on free speech. You can imagine, after this example, why people wouldn't want to hang out with other people who describe themselves as anarchists. (Again, see below the jump for background.) Knowing anarchists isn't a crime. But even if you don't commit a crime—even if you are granted immunity from being prosecuted for a crime—you can find yourself in solitary confinement.

That's a problem.

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**The background:** That grand jury and the federal prosecutor are ostensibly investigating the political vandalism in downtown Seattle on May Day. But Duran and Olejnik say the questions they refused to answer had little to do with actual crimes and more to do with social mapping—names and photographs, questions about who those people were, how they know each other, and their political beliefs.

Most of the questions centered around what [search warrants](#) have described as "known anarchists." The 1950s had its Red Scare; we've got our Black Scare.

That's when the two shut down—on principle, not for their own protection, as they'd both already been granted immunity from prosecution—and declined to answer. They've been in prison since September and, since they haven't been sentenced for any crime, are there indefinitely.

On Dec 26, Duran and Olejnik were joined by [Maddie Pfeiffer, another grand-jury refuser.](#)